

AMENDED IN SENATE APRIL 19, 2006

SENATE BILL

No. 1582

Introduced by Senator Chesbro
(Principal coauthor: Assembly Member Berg)

February 23, 2006

~~An act to amend Section 12012.45 of the Government Code, relating to tribal gaming.~~ *An act to amend and renumber Section 1044.5 of the Military and Veterans Code, relating to veterans homes.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1582, as amended, Chesbro. ~~Tribal-state gaming compacts.~~ *Veterans homes: California Veterans Home Veterans Bill of Rights.*

Existing law provides for the creation and operation of veterans homes where aged and disabled veterans and their spouses may live. The homes are under the management and control of the Department of Veterans Affairs, and supervised by one administrator for each home site who may make rules and regulations governing admissions and conditions upon which veterans may reside in the home. Existing law establishes the right of veterans residing in a veterans home to complain to the administrator about home accommodations and services without fear of reprisal and requires the administrator to inform a resident of this right and to post a notice of the right in the homes.

This bill would provide that these rights shall be known as the California Veterans Home Veterans Bill of Rights.

~~Existing federal law, the Indian Gaming Regulatory Act of 1988, provides for the negotiation and execution of tribal-state gaming compacts for the purpose of authorizing certain types of gaming on Indian lands within a state. The California Constitution authorizes the~~

~~Governor to negotiate and conclude compacts, subject to ratification by the Legislature. Existing law ratifies a number of tribal-state gaming compacts between the State of California and specified Indian tribes.~~

~~This bill would ratify tribal-state gaming compacts entered into on September 9, 2005, between the State of California and the Big Lagoon Rancheria, and the Los Coyotes Band of Cahuilla and Cupeno Indians.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1044.5 of the Military and Veterans
2 Code is amended and renumbered to read:
3 1044.5:
4 1045.1. (a) This section shall be known and may be cited as
5 the California Veterans Home Veterans Bill of Rights.
6 (b) A resident of a veterans home has the right to complain
7 and otherwise exercise the freedom of expression and assembly
8 guaranteed by the Sections 2 and 3 of Article I of the California
9 Constitution and the First Amendment to the United States
10 Constitution. The administrator of the home shall inform each
11 resident in writing at the time of admission of the right to
12 complain to the administrator about home accommodations and
13 services. A notice of the right to complain shall be posted in the
14 home. The administrator shall also inform each resident of the
15 right to complain to the board or to the Secretary of Veterans
16 Affairs. Each resident of a home shall be encouraged and
17 assisted, throughout the period of stay in the home, to understand
18 and exercise the rights of freedom of expression and assembly as
19 a resident and as a citizen. To this end, the resident may voice
20 grievances and recommend changes in policies and services to
21 home staff, other residents, and outside representatives of the
22 resident's choice, free from restraint, interference, coercion,
23 discrimination, or reprisal, including retaliatory eviction.
24 (b)
25 (c) An administrator may not retaliate against any resident
26 who exercises the right to voice grievances by evicting the
27 resident. There shall be a rebuttable presumption that any

1 eviction within 45 days of the exercise by a resident of the right
2 to voice grievances is retaliatory. This presumption does not
3 apply in favor of a resident who has failed to pay maintenance
4 fees unless the resident pays the overdue fees.

5 ~~SECTION 1. Section 12012.45 of the Government Code is~~
6 ~~amended to read:~~

7 ~~12012.45. (a) The following tribal-state gaming compacts~~
8 ~~and amendments of tribal-state gaming compacts entered into in~~
9 ~~accordance with the Indian Gaming Regulatory Act of 1988 (18~~
10 ~~U.S.C. Sec. 1166 to 1168, incl., and 25 U.S.C. Sec. 2701 et seq.)~~
11 ~~are hereby ratified:~~

12 ~~(1) The amendment of the compact between the State of~~
13 ~~California and the Buena Vista Rancheria of Me-Wuk Indians,~~
14 ~~executed on August 23, 2004.~~

15 ~~(2) The compact between the State of California and the Fort~~
16 ~~Mojave Indian Tribe, executed on August 23, 2004.~~

17 ~~(3) The compact between the State of California and the~~
18 ~~Coyote Valley Band of Pomo Indians, executed on August 23,~~
19 ~~2004.~~

20 ~~(4) The amendment to the compact between the State of~~
21 ~~California and the Ewiiapaayp Band of Kumeyaay Indians,~~
22 ~~executed on August 23, 2004.~~

23 ~~(5) The compact between the State of California and the Big~~
24 ~~Lagoon Rancheria, executed on September 9, 2005.~~

25 ~~(6) The compact between the State of California and the Los~~
26 ~~Coyotes Band of Cahuilla and Cupeno Indians, executed on~~
27 ~~September 9, 2005.~~

28 ~~(b) (1) In deference to tribal sovereignty, none of the~~
29 ~~following shall be deemed a project for purposes of the~~
30 ~~California Environmental Quality Act (Division 13 (commencing~~
31 ~~with Section 21000) of the Public Resources Code):~~

32 ~~(A) The execution of an amendment of a tribal-state gaming~~
33 ~~compact ratified by this section.~~

34 ~~(B) The execution of a tribal-state gaming compact ratified by~~
35 ~~this section.~~

36 ~~(C) The execution of an intergovernmental agreement between~~
37 ~~a tribe and a county or city government negotiated pursuant to~~
38 ~~the express authority of, or as expressly referenced in, a~~
39 ~~tribal-state gaming compact or an amended tribal-state gaming~~
40 ~~compact ratified by this section.~~

1 ~~(D) The execution of an intergovernmental agreement between~~
2 ~~a tribe and the California Department of Transportation~~
3 ~~negotiated pursuant to the express authority of, or as expressly~~
4 ~~referenced in, a tribal-state gaming compact or an amended~~
5 ~~tribal-state gaming compact ratified by this section.~~

6 ~~(E) The on-reservation impacts of compliance with the terms~~
7 ~~of a tribal-state gaming compact or an amended tribal-state~~
8 ~~gaming compact ratified by this section.~~

9 ~~(F) The sale of compact assets, as defined in subdivision (a) of~~
10 ~~Section 63048.6, or the creation of the special purpose trust~~
11 ~~established pursuant to Section 63048.65.~~

12 ~~(2) Except as expressly provided herein, nothing in this~~
13 ~~subdivision shall be construed to exempt a city, county, a city~~
14 ~~and county, or the California Department of Transportation from~~
15 ~~the requirements of the California Environmental Quality Act.~~

16 ~~(e) Revenue contributions made to the state by tribes pursuant~~
17 ~~to the tribal-state gaming compacts and amendments of~~
18 ~~tribal-state gaming compacts ratified by this section shall be~~
19 ~~deposited in the General Fund.~~